

Applicant : Collins, et al.
Serial No. : 10/620,273
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Attorney's Docket No.: 07039-649006 / MMV 94-099

REMARKS

Claims 1-8, 14-18, and 20-25 are pending. In the Final Office Action dated November 2, 2005, the Examiner maintained her rejections of all claims. Applicants have not amended, cancelled, or added any claims herein. Accordingly, claims 1-8, 14-18, and 20-25 remain pending.

Obviousness-type Double Patenting Rejections

The Examiner rejected claims 1, 2, 4-8, 14, and 23-25 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 5, 6, and 8 of U.S. Patent No. 6,096,290; as being unpatentable over claims 1-10 of U.S. Patent No. 6,004,533; as being unpatentable (provisionally) over claims 1, 3, 15, 15, and 18 of U.S. Ser. No. 10/027,593; and as being unpatentable (provisionally) over claims 1, 24, 29, 44, 54, 56, 57, 59, 70, 73 and 74 of U.S. Ser. No. 10/777,820.

Applicants attach hereto a Terminal Disclaimer under 37 C.F.R. §§ 3.73(b) and 1.321(b). Pursuant to 37 C.F.R. § 1.321(b), and to obviate a double patenting rejection, the Assignees identified therein waive and disclaim the terminal portion of the term of the entire patent to be granted upon the above-referenced application subsequent to the expiration date of U.S. Patent No. 6,096,290; U.S. Patent No. 6,004,533; any patent that grants from U.S. Application No. 10/027,593 (now abandoned); and any patent that grants from U.S. Application No. 10/777,820, provided that any patent granted on the above-referenced U.S. Application No. 10/620,273 shall be enforceable only for and during such period that it is commonly owned with U.S. Patent No. 6,096,290; U.S. Patent No. 6,004,533; any patent that grants from U.S. Application No. 10/027,593 (now abandoned); and any patent that grants from U.S. Application No. 10/777,820.

The Assignees do not disclaim any terminal part of any patent granted on the above-referenced application prior to the expiration date of the full statutory term of U.S. Patent No. 6,096,290; U.S. Patent No. 6,004,533; any patent that grants from U.S. Application No. 10/027,593 (now abandoned); and any patent that grants from U.S. Application No. 10/777,820 in the event that any of the foregoing later: expires for failure to pay a maintenance fee, is held unenforceable; is found invalid, is statutorily disclaimed in whole or terminally disclaimed under

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37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignees herein do not disclaim or otherwise affect any part of U.S. Patent No. 6,096,290; U.S. Patent No. 6,004,533; any patent that grants from U.S. Application No. 10/027,593 (now abandoned); and any patent that grants from U.S. Application No. 10/777,820.

Accordingly, Applicants respectfully assert that the Examiner's obviousness-type double patenting rejections are now moot, and request withdrawal of the rejections.

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CONCLUSION

Applicants respectfully assert that all claims are in condition for allowance, which action is requested. The Examiner is invited to telephone the under-signed attorney, if such would expedite prosecution.

Please apply the three-month petition for extension of time fee and any other charges or credits to deposit account 06-1050

Respectfully submitted,

Date: 5/1/06

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